

REMARKS

This Response is filed in reply to the Office Action dated December 30, 2003. In this Response, Applicants traverse the Examiner's rejections of claims 1-52. Silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claims, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claims depends. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application.

Claims 1-52 are pending in the present application. The issues of the December 30, 2003, Office Action are presented below with reference to the Office Action.

Interview on February 4, 2004

Applicants thank the Examiner for courtesies extended during the Examiner's interview with Applicants' attorney on February 4, 2004. During the interview, Applicants' attorney presented issues regarding the Office Action dated December 30, 2003. The Examiner requested that those issues be provided in a Response. Accordingly, Applicants present said issues in the present Response.

With regard to the Office Action Summary: Applicants note that claims 15-17, 26, 41-43, and 52 were shown in the Office Action Summary as being rejected. However, in page 10 of the Office Action, these same claims 15-17, 26, 41-43, and 52 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

With regard to the Office Action, paragraphs 1-3: Applicants thank the Examiner for entering the Amendments filed on October 10, 2003. Applicants also note with appreciation the

Examiner's withdrawal of the previous rejection of claims 22-23 and 48-49 under nonstatutory double patenting.

With regard to the Office Action, paragraphs 4-8: The Examiner rejected:

(1) claims 1-7, 18-19, 27-33, and 44-45 under 35 U.S.C. §103(a) as being unpatentable over Wistendahl et al. (U.S. Patent No. 5,708,845), in view of Bi et al. (U.S. Patent No. 6,311,178 B1) and Giddings (U.S. Patent No. 4,845,697);

(2) claims 8-14 and 34-40 as being unpatentable over Wistendahl et al., Bi et al., and Giddings and further in view of Logan et al. (U.S. Patent No. 6,199,076 B1);

(3) claims 20-21, 24-25, 46-47, and 50-51 under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al., Bi et al., and Giddings and further in view of Yeomans (U.S. Patent No. 6,182,065 B1); and

(4) claims 22-23 and 48-49 under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al., Bi et al., Giddings, and Yeomans and further in view of S.E. Robertson et al.

With regard to independent claims 1 and 27 in (1) above, Applicants agree with the Examiner's statement on page 3 of the Office action that Wistendahl et al. do not teach feature (c) of Applicants' independent claims 1 and 27. However, the Examiner contends that the combination of Bi et al. with Giddings provides such feature. Applicants respectfully disagree.

Independent claims 1 and 27 are directed to finding documents which relate to a portion of a temporal document. The application recognizes that "a user may not be able to instantaneously think about the changing material [in a temporal document] that is being presented, make a decision that he is interested, and give the required signal. Moreover, it is understood that ... the decision may be based upon a sequence of material presented over a period of time, rather than based upon the material at a particular instant." Therefore, "it is assumed that there is a delay between the material of interest first being presented to the user, and the indication of interest, and it is further assumed that the user is interested in material which extends over a period of time." Thus, "it is assumed that the interest of the user in the content of the temporal document may be expressed as a function $W(t)$ of the time t prior to the signal indicating interest being given." (application, page 11 lines 1-14). Accordingly, independent claims 1 and 27 recite, among other things, selecting text associated with a portion of the temporal document, and *weighting each term in the selected text by a function $W(t)$*

according to the time t at which the term occurs relative to the time at which the signal of interest occurs.

Nowhere in either Bi et al. or Giddings is there any teaching of *weighting each term according to the time t at which the term occurs relative to the time at which the signal of interest occurs.* The Office Action on page 3 recognizes that Bi et al. only teach weighting search terms to query a database. Bi et al. thus fail to teaching Applicants' claimed *weighting each term according to the time t at which the term occurs relative to the time at which a signal of interest occurs.*

Giddings also fails to provide such teaching. Rather, Giddings is directed to searching for a CD track frame number, where the search occurs for a predetermined length of time, or a "time-out" period, before proceeding with a different search. Giddings teaches that upon failure to find a selected frame in a *predetermined length of time*, the search mechanism would try to find an adjacent frame with the same kind of back and forth searching motion for a *second predetermined length of time.*" (Giddings, col. 5 lines 27-53, emphasis added). For example, as shown in Giddings in FIG. 6, the system of Giddings tries to find a CD track T_0 for 4.25 seconds, and upon failure to find that CD track, searches for track T_0+1 for 1.5 seconds, and then track T_0+2 for another 1.5 seconds. (Giddings, FIG. 6; col. 15 line 47 - col. 16 line 23). With reference to Applicants' independent claims 1 and 27, the "terms" in Giddings can be equated to the individual track numbers T_0 , T_0+1 , T_0+2 , etc. Giddings' subsequent search thereof for a *predetermined length of time* or time-out, however, is not the same as Applicants' *weighting each term according to the time t at which the term occurs relative to the time at which a signal of interest occurs*, as claimed in Applicants' independent claims 1 and 27.

Further, Giddings performs a search for an adjacent track based on inherent relationships in the tracks' numerical ordering, e.g., the *track numbering system* between track T_0 and higher numbered tracks T_0+1 , T_0+2 , etc. Giddings thus does not teach searching for track T_0+1 because it occurs at a particular time *relative to* a signal of interest, as claimed in Applicants' independent claims 1 and 27, but rather, Giddings searches because of the numerical relationship. Applicants thus consider that Giddings does not provide any teaching of *weighting each term in the selected text according to the time t at which the term occurs relative to the time at which a signal of interest occurs.*

As Examiner knows, and based at least on MPEP 2143, a *prima facie* case of obviousness under 35 U.S.C. 103(a) requires (1) a suggestion or motivation in the references themselves or generally known in the art, to combine the references, (2) a reasonable expectation of success to combine, and (3) a teaching, via the combination, of all the claimed limitations. *In re Vaeck*, 947 F. 2d. 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Because none of Wistendahl et al., Bi et al., or Giddings, alone or in combination, teaches *weighting each term in the selected text according to the time t at which the term occurs relative to the time at which a signal of interest occurs*, as claimed by Applicants in independent claims 1 and 27, a *prima facie* case of obviousness is not satisfied under 35 U.S.C. 103(a) at least for failing to show that all elements of Applicants' claims would be satisfied by the combination.

Applicants also note that regardless of Examiner's failure to satisfy all elements of the claimed combination, one of ordinary skill in the art would *not* find it obvious to modify Wistendahl et al. based on Bi et al. and Giddings. First, such references are from disparate areas of art, with Wistendahl et al. directed to selections of media, while Bi et al. is directed to database searching, and Giddings is directed to searching for CD (compact disk) tracks. Second, one of ordinary skill simply would not modify a system such as Wistendahl et al., which relies on spatial discrimination of features, to derive a temporal system such as that claimed by Applicants in independent claims 1 and 27.

As the Examiner knows, Wistendahl et al. teach that a "basic concept of the invention is the mapping of objects in digital media presentations as 'hot spots' without embedding any special codes in the original digital media content. This is accomplished by specifying the display location coordinates of selected objects within a frame or series of frames of a display and their frame addresses." (Wistendahl et al., col. 4 lines 60 - 65, emphasis added). Wistendahl et al., as shown pictorially in FIG. 2, is thus a *spatially-based display location coordinate system* and not a temporal system. Further, the system of Wistendahl et al. is only interested in identifying a selected "hot spot" and not the time at which the hot spot occurred. As described in Wistendahl et al., "the mapping of a number of 'hot spots' in each frame of a full motion video sequence or movie which may run from a few minutes to a few hours duration can be a hugely laborious task." (Wistendahl et al., FIGs. 5B - 5C, col. 10 lines 27-34). Because Wistendahl et al. teach a *spatially-based* system that does *not* need or desire searching or *weighting based on the time t at which a "hot spot"/term occurs relative to the time at which a signal of interest*

occurs, it would *not* be obvious to one of ordinary skill in the art to thus modify Wistendahl et al. as proposed by Examiner.

Further, it is unclear as to whether a spatial based system such as Wistendahl et al. could be modified to include a temporal based system without rendering the Wistendahl et al. system inoperable for its intended purpose, which is to provide selection of components via spatial separation.

Accordingly, Applicants consider that the Examiner fails to satisfy all three elements of the *prima facie* showing of obviousness required for a rejection based on 35 U.S.C. 103(a). Applicants thus traverse the rejection of independent claims 1 and 27, and for this reason, consider independent claims 1 and 27 to be allowable. Claims 2-26 depend upon allowable independent claim 1, and claims 28-52 depend upon allowable independent claim 27, and thus, claims 2-26 and 28-52 are also allowable for depending upon an allowable base claim.

With regard to the Office Action, paragraph 9: Applicants note with appreciation the Examiner's finding that claims 15-17, 26, 41-43, and 52 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Conclusion

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

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